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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                                |
|------------------------|--------------------------------|
| Application Number     | 10/717,543                     |
| Filing Date            | November 21, 2003              |
| First Named Inventor   | THOMAS GERLACH and DIRK DROEGE |
| Art Unit               | 3721                           |
| Examiner Name          | Nathaniel C. Chukwurah         |
| Attorney Docket Number |                                |

### ENCLOSURES (Check all that apply)

|  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify<br>below): |
| <div>Remarks</div>   |  |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |   |          |        |
|--------------|---|----------|--------|
| Firm Name    | William D. Breneman, Esq.; BRENEMAN & GEORGES |          |        |
| Signature    |   |          |        |
| Printed name | William D. Breneman                           |          |        |
| Date         | May 2, 2005                                   | Reg. No. | 26,714 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |  |      |  |
|-----------------------|--|------|--|
| Signature             |  |      |  |
| Typed or printed name |  | Date |  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|                                    |                           |                                     |                        |
|------------------------------------|---------------------------|-------------------------------------|------------------------|
| AMENDMENT TRANSMITTAL LETTER       |                           |                                     | Deckol Number          |
| Application Number<br>10/717,543   | Filing Date<br>11/21/2003 | Examiner<br>Nathaniel C. Clarkwurah | Group<br>Art Unit 3721 |
| Invention Title<br>STAPLING DEVICE |                           |                                     |                        |

## TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is an amendment in the above - identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- ☐ A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.
- ☐ No additional fee is required.
- ☒ The fee has been calculated as shown below:

## CLAIMS AS AMENDED

|   | (1)                                       | (2)   | (3)                        |                       |           |
|---|---|---|----------------------------|-----------------------|-----------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>NUMBER<br>EXTRA | RATE                  | FEE       |
| TOTAL CLAIMS  | ° 29                                      | minus °° 25                                 | 4                          | X \$12                | 100       |
| INDEPENDENT CLAIMS  | ° 3                                       | minus °° 3                                  | 0                          | X \$36                | 0         |
| MULTIPLE DEPENDENT CLAIM ADDED  |   |   |                            | \$120                 |           |
|   |   |   |                            | TOTAL                 | \$ 100.00 |
| If applicant is a small entity under 37 CFR 1.9 and 1.27,<br>then divide total fee by 2, and enter amount here. |   |   |                            | SMALL ENTITY<br>TOTAL | \$100.00  |

° If the entry in column 1 is less than the entry in column 2, write "0" in column 3

°° If the highest number previously paid for IN THIS SPACE is less than 20, enter "20".

°°° If the highest number previously paid for IN THIS SPACE is less than 3, enter "3".

The highest number previously paid for (total or independent) is the highest number found in the appropriate box in column 1.

- ☐ Please charge Deposit Account Number \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$ 100.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account Number 02-3702.  
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

May 2, 2005

(Enc)

William D. Brennan  
Reg. No. 26,714

Patent and Trademark Office - U.S. DEPARTMENT OF COMMERCE



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

THOMAS GERLACH and  
DIRK DRÖGE

Serial No.: 10/717,543

Group Art Unit: 3721

Filed: November 21, 2003

Examiner: Nathaniel C. Chukwurah

For: STAPLING DEVICE

May 2, 2005

\* \* \* \* \*

**AMENDMENT**

Honorable Commissioner of  
Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22305

Sir:

Responsive to the Office Action mailed February 1, 2005  
which time for response expires May 1, 2005 (a Sunday), please  
amend the Specification and claims to place them in an allowable  
U.S. format as indicated in the following amendments to the  
Specification and Listing of Claims:

05/03/2005 JADD01 00000056 10717543

01 FC:1202

100.00 OP